

preamble offered by the gentleman from Colorado (Mr. HEFLEY).

The amendment to the preamble was agreed to.

A motion to reconsider was laid on the table.

PROVIDING THAT CERTAIN VOLUNTEERS AT PRIVATE NON-PROFIT FOOD BANKS ARE NOT EMPLOYEES FOR PURPOSES OF THE FAIR LABOR STANDARDS ACT

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce be discharged from further consideration of the bill (H.R. 3152) to provide that certain volunteers at private non-profit food banks are not employees for purposes of the Fair Labor Standards Act of 1938, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

Mr. OWENS. Mr. Speaker, reserving the right to object, although I do not intend to object, and I ask that the gentleman from North Carolina (Mr. BALLENGER) offer an explanation for his request.

Mr. BALLENGER. Mr. Speaker, will the gentleman yield?

Mr. OWENS. I yield to the gentleman from North Carolina.

Mr. BALLENGER. Mr. Speaker, H.R. 3152 is intended to address a very narrow issue under the Fair Labor Standards Act but a very important issue for many of our Nation's food banks. H.R. 3152 clarifies that persons who help at food banks on a volunteer basis and receive groceries from the food bank are not employees of the food bank.

The legislation is necessary because of the inconsistent and conflicting interpretations given in the past by the Department of Labor. In 1992 in response to questions from the Congressional Homelessness Task Force, Secretary of Labor Lynn Martin wrote, "It does not appear that volunteers at non-profit food distribution centers would be considered employees of the centers."

Five years later, in May of 1997, in response to a request by food bank centers for a formal advisory letter on the status of such volunteers, the Office of the Solicitor of the Department of Labor said it appears that distributing organizations would be compensating needy individuals in the form of benefits, that is, food or other products, for services that the individuals performed for organizations and that the individuals, if they meet the indigence requirements, would expect to receive the products in return for their services. Under this scenario we would consider these individuals employees of the distributing organizations.

Four months later, however, the Solicitor of Labor reversed course again, and he wrote, "Individuals who volun-

teer their services for humanitarian purposes and without contemplation of compensation to religious, charitable and similar not-for-profit organizations are not considered to be employed by such organizations for the purpose of the Fair Labor Standards Act. Therefore, such individuals would not be covered by the minimum wage requirements of the Fair Labor Standards Act."

While the Department of Labor's current position is that individuals who volunteer for food banks and who receive groceries and food items from the food banks are not employees, the history of the Department of Labor's conflicting and inconsistent statements and letters indicates a need to clarify this point in the statute. Food banks which use such volunteers and encourage such volunteerism among those who receive food assistance should be able to do so without concern that they are triggering an employment relationship including wage and other employment liabilities.

H.R. 3152 provides clarification that food banks may give groceries and food items to individuals who volunteer their services to the food bank solely for humanitarian purposes without deeming those individuals as employees.

Mr. Speaker, H.R. 3152 is a very narrow bill intended to clarify a specific situation on which the Department of Labor has provided conflicting and contradictory rulings. There are, of course, many other situations in which individuals receive various types of benefits in conjunction with performing community services. The fact that we are clarifying the FLSA to say explicitly that individuals who volunteer at food banks and receive groceries are not employees should not be in any way construed to mean that by doing so Congress is showing an intent that any other individual who performs community services and receives benefits is an employee.

And I want to commend the gentleman from California (Mr. CAMPBELL) the sponsor of 3152 for pursuing this clarification, and I urge support of the bill.

Mr. OWENS. Further reserving the right to object, Mr. Speaker, I thank the gentleman for his explanation and rise in support of the bill. This incident is just one example of the fact that the Fair Labor Standards Act is flexible, the Fair Labor Standards Act will yield to common sense after due deliberation. The Fair Labor Standards Act of 1938, I might point out also, is enjoying its 60th anniversary today.

The Fair Labor Standards Act was passed 60 years ago. It established the 40-hour week, overtime pay, the ban on child labor and the minimum wage. Today we celebrate an important day in American history, and on this day I think we should renew our effort to bring the minimum wage up to standard.

The minimum wage now is \$5.15 cents per hour, and that is still a poverty

wage. It is a wage without opportunity or hope. As far as working people are concerned, the minimum wage still has not caught up with the years of inflation. We are still way behind in terms of buying power of the dollars that workers receive, so the minimum wage needs to be increased just to bring us one step closer to where the buying power of the dollar is today.

I think it is only fitting and proper in a time of great prosperity that we increase the minimum wage. It is one way to share the prosperity and help us to guarantee the pursuit of happiness on a fair playing field for everybody. On this important anniversary of the minimum wage, let us recommit ourselves to create an opportunity for all working Americans. When we return after recess, I hope we will vote to raise the minimum wage.

Further reserving the right to object, Mr. Speaker, I yield to the gentleman from California (Mr. CAMPBELL) for his statement.

Mr. CAMPBELL. Mr. Speaker, I thank the gentleman for yielding, and I also thank the subcommittee chairman, the gentleman from North Carolina (Mr. BALLENGER) for his kindness in pursuing this legislation, his conscientiousness in bringing us to this moment, and the chairman of the full committee, the gentleman from Pennsylvania (Mr. GOODLING) for the similar courtesy he has shown.

Mr. Speaker, this bill is sponsored for one very important and simple purpose. It is to allow food banks to give not only food but dignity. Those individuals who are of lesser means, who volunteer their time in order to help put together bags of groceries, are sometimes given a bag of groceries for the hours that they may work, in recognition, not as a wage, but because they themselves might also be in need. It is a way for a person who has need to receive help in his or her own right in a way that confers and maintains their dignity as a human being.

Mr. Speaker, the bill came to my attention because of the excellent work of the Second Harvest Food Bank, and in closing I would like to recognize the individuals involved in the exceptionally fine work of the Second Harvest Food Bank, in particular Mary Ellen Heising, for 18 years the director of the Second Harvest Food Bank, David Sandretto, the current executive director, and Cindy McGoun and Beverly Jackson who run the volunteer program.

□ 1800

The bill will be amended shortly by my colleague and good friend, the subcommittee chair, so that it will be styled the Amy Somers Volunteers at Food Bank Recognition Bill, and this is in recognition of Amy Somers, who in December of last year passed away. She had been for four years the director of the food bank.

I conclude by observing that as sure as I am standing here, I have faith that

all of us will stand before our maker and will have to answer the question, when I was hungry, did you give me to eat; when I was thirsty, did you give me to drink. In the case of Amy Somers, for whom we will name this bill, the answer is most assuredly, yes; yes, she did.

Mr. OWENS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the bill, as follows:

H.R. 3152

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FAIR LABOR STANDARDS ACT OF 1938.

Section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)) is amended by adding at the end the following:

"(5) The term 'employee' does not include individuals who volunteer their services solely for humanitarian purposes to private non-profit food banks and who receive from the food banks groceries."

AMENDMENT IN THE NATURE OF A SUBSTITUTE
OFFERED BY MR. BALLENGER

Mr. BALLENGER. Mr. Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BALLENGER:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Amy Somers Volunteers at Food Banks Act".

SEC. 2. FAIR LABOR STANDARDS ACT OF 1938.

Section 3(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)) is amended by adding at the end the following:

"(5) The term 'employee' does not include individuals who volunteer their services solely for humanitarian purposes to private non-profit food banks and who receive from the food banks groceries."

Mr. BALLENGER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment in the nature of a substitute offered by the gentleman from North Carolina (Mr. BALLENGER).

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BALLENGER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3152.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

RECOGNIZING 150TH ANNIVERSARY OF EMANCIPATION OF AFRICAN SLAVES IN VIRGIN ISLANDS

Mr. PEASE. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the resolution (H. Res. 495), relating to the recognition of the connection between the emancipation of American slaves and the Danish West Indies, now the United States Virgin Islands, to the American Declaration of Independence from the British government, and ask for its immediate consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

Ms. CHRISTIAN-GREEN. Mr. Speaker, reserving the right to object, and I will not object, but I would like to explain the resolution.

Mr. Speaker, I rise to speak in support of House Resolution 495 which I have introduced along with my colleagues from both sides of the aisle to have the House of Representatives take note of the emancipation of enslaved Africans in the Virgin Islands 150 years ago.

On behalf of my constituents, the people of the Virgin Islands, I want to thank you, Mr. Speaker, and the gentleman from Texas (Mr. ARMEY), the Majority Leader, for your kindness and generosity in allowing House Resolution 495 to come to the floor today.

I also want to express my sincerest gratitude and appreciation and that of my constituents as well to the chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), for his support of my efforts with respect to this resolution before us. I can truly say that without Chairman HYDE's unwavering support for House Resolution 495, it would not be on the floor today.

I also want to thank our minority leader, the gentleman from Missouri (Mr. GEPHARDT), and my friend, the ranking Democrat on the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), for their support and invaluable assistance as well.

Mr. Speaker, the 3rd of July is celebrated in the Virgin Islands as Emancipation Day. It is a day when we recognize and remember one of the most important and significant events in our history, the emancipation from slavery in the territory.

There are few moments in our history as dramatic and inspiring as those that took place in the town of Frederiksted in St. Croix on July 2nd and 3rd in 1848. It is a story of courage and determination by the people of the then Danish West Indies, who risked death in order to live as free men and women.

We are told that at the sound of the "conchshell," slaves from across the is-

land of St. Croix converged on Fort Frederik under the leadership of Moses "General Buddhoe" Gottlieb and threatened to destroy the island unless their freedom was granted immediately. In response to the reports of the uprising, Danish Governor Peter Von Scholten rushed from the town of Christiansted and encouraged by his mulatto mistress Anna Heegaard, issued his famous proclamation, "All unfree in the Danish West Indies are from today free."

Although the revolt ended with little loss of property or life, its key players paid a high price. General Buddhoe was himself arrested and exiled, and Governor Von Scholten returned to Denmark, where he was tried and found guilty for exceeding his authority and for dereliction of duty.

Mr. Speaker, it is quite fitting that the House of Representatives, the People's House as it is known, takes note of this important event in our history, because, in doing so, we are reminded of the unwavering commitment of all Americans for freedom and for human and civil rights.

In closing, Mr. Speaker, I want to thank all of my colleagues for their help and support on this resolution, particularly again the gentleman from Missouri (Mr. GEPHARDT), the minority leader, and his staff. I also want once again to thank the gentleman from Illinois (Chairman HYDE) and his staff and the gentleman from Michigan (Mr. CONYERS), the ranking Democrat, without whose help tonight would not have been possible.

Mr. CONYERS. Mr. Speaker, will the gentlewoman yield?

Ms. CHRISTIAN-GREEN. I yield to the gentleman from Michigan.

(Mr. CONYERS asked and was given permission to revise and extend his remarks.)

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman for yielding.

Mr. Speaker, this is an important 150th anniversary. It is significant. I cannot remember in my career that we have ever celebrated the emancipation of slavery in the Virgin Islands.

I commend the gentlewoman for her conviction, ability, intelligence and beauty.

Mr. Speaker, I applaud Congresswoman DONNA CHRISTIAN-GREEN for introducing this legislation that recognizes the 150th anniversary of the emancipation of African slaves in what is now the United States Virgin Islands.

On July 3rd 1848 thousands of slaves on the island of St. Croix marched into the town of Frederiksted under the leadership of Moses Gottlieb and staged a demonstration demanding their freedom and threatened to destroy the island by fire unless their freedom was granted by 4 p.m. that afternoon.

When reports of the insurrection reached the Danish Governor of the VI Peter von Scholten, 15 miles away in the town of Christiansted, he journeyed to Frederiksted where he issued the Emancipation Proclamation.

It is important for us to commemorate the historic significance of this 150th anniversary and the significant contributions that the descendants of those who were freed have